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June 28, 2012

## REDACTED PUBLIC COPY

### VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A306  
Washington, DC 20554

### VIA HAND DELIVERY

Karen Majcher  
Vice President, High Cost & Low Income Division  
USAC  
2000 L Street, N.W., Suite 200  
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### VIA HAND DELIVERY

Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604

**Re: Connect America Fund, WC Docket No. 10-90  
Report for Covered Services Provided in the State of Kansas**

Dear Secretary Dortch:

On behalf of NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero" or the "Company"), a wireless service provider designated as an Eligible Telecommunications Carrier by the Kansas

Marlene H. Dortch, Secretary  
Federal Communications Commission  
June 28, 2012  
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PUBLIC REDACTED COPY

Corporation Commission, please find attached a redacted public version of a Report submitted by Viaero in compliance with requirements specified by the Wireline Competition Bureau and the Wireless Telecommunications Bureau in the *CAF Clarification Order*.<sup>1</sup> The redacted public version of the Report has been marked “**REDACTED – FOR PUBLIC INSPECTION.**”

Viaero is also submitting, under separate cover, a confidential version of the Report. The confidential version is marked “**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**”

Please contact the undersigned at 703-584-8670 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,

/s/ Steven M. Chernoff

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David A. LaFuria  
Steven M. Chernoff  
John Cimko

Attorneys for:  
*NE Colorado Cellular, Inc., d/b/a Viaero Wireless*

Attachment

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<sup>1</sup> *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012) (“*CAF Clarification Order*”).

**ATTACHMENT**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Connect America Fund ) WC Docket No. 10-90

**NE COLORADO CELLULAR, INC., d/b/a VIAERO WIRELESS**

**REPORT**

**For Covered Services Provided in the State of Kansas**

NE Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero” or the “Company”), a wireless service provider designated as an Eligible Telecommunications Carrier (“ETC”) in the State of Kansas, hereby submits this Report to the Commission in accordance with recent directives issued by the Commission.

Specifically, the *CAF Clarification Order*<sup>1</sup> requires any entity designated as an ETC by a state or territorial regulatory authority pursuant to Section 214(e) of the Communications Act of 1934<sup>2</sup> to file with the Commission in 2012 the information described in Section 54.313(a)(2)-(6) of the Commission’s Rules,<sup>3</sup> as it pertains to voice service provided by the ETC during 2011, to the extent the ETC is required to submit such information in annual reports to the designating state or territorial regulatory authority.<sup>4</sup>

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<sup>1</sup> *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012) (“*CAF Clarification Order*”).

<sup>2</sup> 47 U.S.C. § 214(e).

<sup>3</sup> 47 C.F.R. § 54.313(a)(2)-(6). This information relates to system outages, unfulfilled requests for service, customer complaints, certification of compliance with service quality standards and consumer protection rules, and certification of an ETC’s ability to function in emergency situations.

<sup>4</sup> *CAF Clarification Order*, 27 FCC Rcd at 607-08.

The Wireline Competition Bureau subsequently notified ETCs that information filed pursuant to Section 54.313(a)(2)-(6) of the Commission's Rules must be filed not later than July 2, 2012, with the Commission, and also with the Administrator of the Universal Service Administrative Company, the relevant state commission, the relevant authority in a U.S. Territory, or Tribal governments, as appropriate.<sup>5</sup>

Information that will be submitted by Viaero this year to the Kansas Corporation Commission,<sup>6</sup> and that is within the parameters of the filing requirements adopted in the *CAF Clarification Order* and contained in Section 54.313(a)(2)-(6) of the Commission's Rules, is hereby reported to the Commission in the following sections.

**1. Outage Reporting.**

An ETC must report any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area or affect a 911 special facility.<sup>7</sup>

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<sup>5</sup> *Wireline Competition Bureau Announces Filing Deadline of July 2, 2012, for Eligible Telecommunications Carriers To File Reports Pursuant to Section 54.313(a)(2) Through (a)(6) of the Commission's Rules*, WC Docket No. 10-90, *et al.*, Public Notice, DA 12-729 (rel. May 8, 2012) (citing 47 C.F.R. § 54.313(i)).

<sup>6</sup> The annual state ETC reporting deadline for Viaero in Kansas is July 1.

<sup>7</sup> See 47 C.F.R. § 54.313(a)(2). With regard to 911 special facilities, Section 4.5(e) of the Commission's Rules provides as follows:

An outage that potentially affects a 911 special facility occurs whenever:

(1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or

(2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or

Viaero experienced [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] outages, as described, in its designated service area in Kansas during the reporting period.

**2. Service Requests.**

With respect to the number of requests for service from potential customers within Viaero's service areas in Kansas that were unfulfilled during the period from January 1, 2011, through December 31, 2011,<sup>8</sup> Viaero, in its report to the Kansas Corporation Commission that is due on July 1, 2012, will advise the Kansas commission as follows: It is difficult, if not impossible, for Viaero to quantify unfulfilled requests for service within its ETC service territory. Viaero offers all of its customers, including those outside supported areas, the opportunity to return their handset and cancel newly activated service within fifteen (15) days. Throughout Viaero's four-state service territory, [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] customers avail themselves of this program each month. Viaero does not track the number of these customers within supported areas in Kansas, nor does Viaero verify or dispute any coverage issues claimed by customers. Often customers use the program for reasons other than inadequate service where they live,

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(3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or

(4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)). 47 C.F.R. § 4.5(e).

<sup>8</sup> See 47 C.F.R. § 54.313(a)(3).

work, and play, such as dissatisfaction with a particular handset, desire for a different rate plan (such as a prepaid plan), or for reasons they do not specify.

**3. Consumer Complaints.**

For the period from January 1, 2011, through December 31, 2011, the ratio of consumer complaints filed with either the Commission or the Kansas Corporation Commission regarding Viaero's service in the designated ETC service area was [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] complaints per 1,000 handsets.<sup>9</sup>

**4. Ability to Remain Functional in Emergencies.**

An ETC must demonstrate its ability to function in emergency situations as required under the FCC's rules. Viaero hereby certifies that the Company is capable of functioning in emergency situations in its designated service area in Kansas as set forth in 47 C.F.R. § 54.202(a).

**5. Commitment to CTIA's Consumer Code of Wireless Service.**

An ETC must commit to abide by the CTIA Code or other consumer protection and service quality standards. Viaero certifies that it will continue to abide by the CTIA Code, as it may be amended from time to time, for all of its operations in Kansas.

\* \* \* \* \*

Viaero trusts that the Commission will find this Report responsive to the reporting requirements specified in the *CAF Clarification Order*.

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<sup>9</sup> See 47 C.F.R. § 54.313(a)(4).

Should the Commission have any questions or require any additional information,  
please contact:

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Respectfully submitted,

/s/ Steven M. Chernoff

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David A. LaFuria  
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John Cimko

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Attorneys for:  
*NE Colorado Cellular, Inc.,  
d/b/a Viaero Wireless*

Dated: June 28, 2012



## DECLARATION

I, Michael Felicissimo, hereby declare as follows:

1. I am the Executive Vice President of NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero").
2. This Declaration is submitted in support of Viaero's Report, which is being filed with the Commission pursuant to the requirements specified in *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012).
3. I declare that the statements contained in the foregoing Report are true and correct to the best of my knowledge.

Executed on June 26<sup>th</sup>, 2012



Michael Felicissimo  
Executive Vice President  
NE Colorado Cellular, Inc., d/b/a Viaero Wireless

**SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED** before me this 26<sup>th</sup> day of June, 2012.



  
NOTARY PUBLIC

My Commission Expires  
08/27/2014

My Commission Expires: \_\_\_\_\_